



again requesting to confer, and also providing a settlement proposal pursuant to L.R. 16.1(c). Again, counsel for Defendants did not respond.

On April 26, 2018, counsel for Plaintiffs received a copy of a letter to the Court from attorney Nanci Clarence of Clarence Dyer Cohen LLP, which enclosed a letter from Defendant Ferrer to one of the counsel for Defendants in this matter, the law firm of Davis Wright Tremaine LLP (“DWT”), in which Defendant Ferrer states that DWT had purported to withdraw as counsel to Defendants Ferrer and Backpage.com, LLC on April 20, 2018, four days after counsel for Plaintiffs first requested to confer. Neither DWT nor any other counsel for Defendants had informed Plaintiffs’ counsel of this purported withdrawal of representation before Plaintiffs’ counsel received the letter from Attorney Clarence. Notably, Defendant Ferrer states in his letter that DWT continues to represent Defendants Lacey and Larkin.

On the evening of Friday, April 27, 2018, Attorney Jeffrey Pyle of Prince Lobel Tye LLP requested by email a 30-day continuance of the May 7, 2018 scheduling conference and a 30-day extension of the May 3, 2018 deadline for Defendants to respond to Plaintiffs’ First Amended Complaint. On Sunday, April 29, 2018, counsel for Plaintiffs requested clarification from Attorney Pyle as to whom Attorney Pyle represented. Attorney Pyle responded that the “representation question is in flux right now.” On Monday, April 30, 2018, counsel for Plaintiffs informed Attorney Pyle that Plaintiffs consent to a 30-day extension to the deadline to file Defendants’ response to the First Amended Complaint, but that Plaintiffs do not consent to a continuance of the scheduling conference or this Statement.

Additionally, Defendants failed to respond to Plaintiffs’ offer of settlement by Monday, April 30, 2018, as required pursuant to this Court’s Notice, ¶ 4.

Because Defendants' counsel has not conferred with Plaintiffs' counsel, Plaintiffs submit this Statement on their own behalf.

## **II. Agenda for Conference**

In addition to the agenda items addressed by L.R. 16.1, the agenda should include consideration of a process for determining the consequences, including potential sanctions, of Defendants' manifest failure to comply with the Court's order regarding this Scheduling Conference.

## **III. Rule 16 Conference**

Pursuant to the Court's Notice, ¶ 6, Plaintiffs request that the Court hold an in-person Scheduling Conference.

## **IV. Proposed Motion and Discovery Schedule**

Plaintiffs believe that this case is not suitable for phased discovery. As such, the Plaintiffs propose the following schedule:

<b><u>Date</u></b>	<b><u>Event</u></b>
May 3, 2018	Deadline for Defendants to file Answer(s) and/or Motion(s) to Dismiss the First Amended Complaint
May 7, 2018	Rule 16 Scheduling Conference
TBD	Court's ruling on any Motion(s) to Dismiss the First Amended Complaint
June 6, 2018	Deadline for exchange of Fed. R. Civ. P. 26(a)(1) Initial Disclosures
July 6, 2018, or 30 days following ruling on Motion(s) to Dismiss	Deadline to amend the pleadings
July 6, 2018, or 30 days following ruling on Motion(s) to Dismiss	Deadline to join additional parties
July 6, 2018	Deadline for Parties to serve written discovery requests

September 4, 2018	Deadline to complete written discovery
December 3, 2018	Deadline to complete fact discovery, including depositions
January 23, 2019	Deadline for Plaintiffs' designation of expert witnesses under Fed. R. Civ. P. 26(a)(2)(A) and service of expert reports under Fed. R. Civ. P. 26(a)(2)(B)
February 22, 2019	Deadline for Defendants' designation of experts under Fed. R. Civ. P. 26(a)(2)(A), service of expert reports under Fed. R. Civ. P. 26(a)(2)(B), and service of expert rebuttal reports under Fed. R. Civ. P. 26(a)(2)(D)(ii)
March 25, 2019	Deadline for Plaintiffs' service of expert rebuttal reports under Fed. R. Civ. P. 26(a)(2)(D)(ii)
April 8, 2019	Deadline to complete expert discovery (including expert depositions)
May 7, 2019	Deadline to file dispositive motions

#### **V. Limitations on Discovery**

Pursuant to the Court's Notice, ¶ 3, Plaintiffs agree to the limitations on discovery set forth in L.R. 26.1(c), provided that the limited discovery requests previously exchanged in this matter shall not count toward the discovery event limitations in L.R. 26.1(c) for purposes of the discovery schedule set forth above.

#### **VI. Trial Preparation Materials and Privileged Information**

Plaintiffs certify that Plaintiffs' counsel have attempted to confer with counsel for Defendants regarding trial preparation materials and privileged information to no avail. Plaintiffs are not seeking court intervention regarding these topics at this time, but will notify the Court if any disputes arise.

**VII. Modification of Scheduling Order**

Plaintiffs reserve the right to seek modification of the schedule at any time in accordance with L.R. 16.1(g).

**VIII. Certification of Client Conference Pursuant to L.R. 16.1(d)(3)**

Counsel for Plaintiffs certify that they have conferred with Plaintiffs regarding a budget for the litigation and whether the litigation could be resolved through an Alternative Dispute Resolution process. At this time, Plaintiffs do not believe that this dispute is suitable for resolution through an Alternative Dispute Resolution process.

**IX. Whether Parties Will Assent to Assignment to a Magistrate Judge**

The Plaintiffs do not assent to the trial of this matter by a Magistrate Judge at this time.

**X. Settlement Offer**

Plaintiffs certify that, pursuant to L.R. 16.1(c), Plaintiffs provided the Defendants with a written settlement proposal on April 23, 2018. Defendants have not responded in any manner to Plaintiffs' proposal, as required pursuant to this Court's Notice, ¶ 4.

Dated: April 30, 2018

FOR JANE DOE NO. 1, JANE DOE NO. 2,  
and JANE DOE NO. 3

/s/ John T. Montgomery  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of April, 2018, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: April 30, 2018

/s/ John T. Montgomery

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John T. Montgomery